

To: Senate Judiciary Committee  
From: Kelsen Young  
Date: March 21<sup>st</sup>, 2007  
Re: HB 35 – Assistance to Victims of Identity Theft

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Mr. Chairman and members of the committee, for the record my name is Kelsen Young and I am representing myself today. I come before you as a victim of identity theft and one of the primary contributors to this legislation. I have been working diligently over the last two years on identity theft issues by participating in the work of the identity theft workgroup of the Economic Affairs interim committee. During the interim, I was asked to present information to the committee about what I, as an identity theft victim, thought should be done in order to enhance the current system in place for remedying identity theft situations. HB 35 is a result of that testimony and the support of the interim committee.

I'd like to briefly tell you my story. Today will be roughly the 10<sup>th</sup> time I have told my story to the Legislature. A little over three years ago, in September of 2003, I was moving from Washington State back to my home in Montana. I had packed up all of my personal and household belongings into a Uhaul truck. After a long day of packing, I decided to stop at a hotel in a suburb of Seattle. The next morning, I got out of bed, looked out the window, and saw that the Uhaul had disappeared from the parking lot.

Turns out, the entire Uhaul truck had been stolen during the night. Two days later, it was found abandoned in a parking lot a few miles from the hotel, it was completely empty. Everything I had was gone - everything. Despite this tremendous loss, I headed home to Montana that same day with the help of family and friends.

As you can imagine, this was a horrible situation. Only made worse a few days later when I discovered that the thieves had also stolen my identity. The most important thing I lost that day was a filing cabinet full of personal information, which resulted in the loss of my identity. They had every last piece of identifying information you can imagine, including old checks, an ATM card, birth certificate, etc. Imagine what you might have in your filing cabinet at home?

The details of the ongoing theft of my identity and what happened in the months after would take me hours to explain. What I'd like to make very clear to the committee today, is the impact that losing your identity has on your life and the importance of doing anything we can to help remedy the situation for victims. Of all the identity-theft related bills this session, this bill is the one most specific to the affects on victims of identity theft. As I mentioned earlier, most of the proposed changes in HB 35 have come from experiences that I have had with how the system is currently working. Changes in this bill may or may not help my individual situation, but my primary purpose for being here today is to make a difference for future victims and to find some justice for my own situation by giving voice to this crime.

Let me walk through specific sections of the bill and highlight the important points.

**Section 1** – This section addresses the issue of victims of identity theft being able to request and receive a police report, investigative report, or documentation of filed complaint. Currently, it can be very difficult for a victim to obtain such documentation of the crime. In my situation, I had to ask for an addition to be made to my original police report in Washington State, but was denied a police report here in Montana by the Helena Police Department. The issue of jurisdiction was in question. Believe me, other identity theft victims have experienced similar situations where the local law enforcement does not know what to do about this crime and refuse to take a report.

The importance of being able to obtain a police report cannot be stressed enough. As an identity theft victim, access to a police report is your key to all other services available to remedy the situation. It is essential that this happen and that it happen in a timely manner and with realistic expectations on the victim. In that regard, the House Judiciary Committee amended the bill to allow for the police to provide the police report without immediate evidence of I.D. from the victim, but it expects the victim to provide proof within a reasonable time frame of 72 hours. The committee also added language that requires that the law enforcement agency cooperate with other law enforcement agencies within its resources. Again, one of the reasons that identity theft has become rampant in our society is because of the lack of investigation of the crime. This language will help to strengthen the response by law enforcement.

In Section 1, sub 4) the legislation addresses the issue of jurisdiction for identity theft victims. As you can see in my case, jurisdiction was the primary issue and ended up preventing my case from being investigated or ever taken seriously. The issue of jurisdiction will be present in many identity theft situations; because a lot of identity theft happens from very remote places or even different countries. **The crime needs to be able to reported in the jurisdiction where the victim resides.** This is essential for all other aspects of dealing with identity theft.

**Section 2** – This section cleans up legislation that was passed last session which created the Identity Theft Passport program housed in the Department of Justice. Currently, this program is not available to me or other Montanans who may have experienced the identity theft in another state, while traveling, or remotely as I explained. This is an important change to the program and will allow those of us who currently do not qualify to be able to utilize this important program. Also please note that there are penalties for false reports of identity theft in order to obtain a passport.

**Section 3** – This section is very important for victims of identity theft. Even after three and a half years of trying to clean up my credit reports, there is “negative information” on my credit reports that I have attempted to remove, block, or what have you in multiple ways and have still been unsuccessful. Consumers are expected to jump through numerous hoops and navigate very confusing (and ever-changing) procedures in order to clean up their credit history after identity theft. This section would make it clear to the credit reporting agencies that if the victim of identity theft is able to prove that the

information on the credit report resulted from identity theft, that **Montana law** says it has to be blocked or removed. You may remember SB 116, the security freeze legislation sponsored by Senator Brueggeman this session. SB 116 is also very important but does not solve the particular issue addressed in this section.

**Section 4** – This section would help address one of my biggest fears as an identity theft victim – the reality that someone can, and probably will, commit further crimes in my name and using my identifying information. Once your identity is stolen, it is no longer yours. How do you prove who you are when someone is ready to charge you with a crime? And at the very least, what right do I currently have to make sure criminal acts done in my name can be removed from my record? Currently, none as far as I can tell in Montana. This section would help to remedy this potential situation for identity theft victims. Other states have implemented similar policies.

As you can see from my testimony, this legislation presents an opportunity for the Legislature to be able to indicate their support and commitment to the citizens of Montana who have experienced identity theft and who need your help dealing with their situations. Identity theft is still a fairly new issue for the general public and people are still grappling with the extent to which this problem occurs and what are possible solutions. I believe this bill presents a solution and I truly hope you can support it.

Thank you for your time and attention this morning. I am happy to answer any questions from the committee.